

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

T-MOBILE NORTHEAST LLC,

FILED

OCT - 5 2010

CLERK, U.S. DISTRICT COURT  
NEWPORT NEWS, VA

Plaintiff,

v.

ACTION NO. 4:10cv82

THE CITY COUNCIL OF THE CITY  
OF NEWPORT NEWS, VIRGINIA,  
and  
THE CITY OF NEWPORT NEWS, VIRGINIA,

Defendants.

ORDER

This matter comes before the court on the Motion to Dismiss, filed by the defendant, The City of Newport News, Virginia, on July 28, 2010. The matter was referred to a United States Magistrate Judge by order of August 17, 2010, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge conducted a hearing on September 7, 2010. The Magistrate Judge's Report and Recommendation was filed on September 9, 2010. The magistrate judge recommended that the Motion to Dismiss the complaint against the City be denied. By copy of the Report and Recommendation, the

parties were advised of their right to file written objections thereto. On September 23, 2010, the court received the defendants' Objections to the Magistrate Judge's Report and Recommendation, and on October 4, 2010, the court received the plaintiff's Response to defendants' objections.

The court, having examined the objections by the defendants to the Report and Recommendation and having made de novo findings with respect thereto, does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed September 9, 2010. Accordingly, the defendant's, The City of Newport News, Virginia, Motion to Dismiss the complaint is hereby DENIED.

The Clerk shall forward a copy of this Order to counsel for the parties.

It is so ORDERED.

/s/  
Rebecca Beach Smith  
United States District Judge 

UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

October 5 , 2010